

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
v.)
)
FATAH HAJI HASHI (12))

NO. 3:10-cr-260 (12)
JUDGE HAYNES

DUKSA
For the reasons
sketched in open court
This motion is
GRANTED.
Will [Signature]
4/9/12

DEFENDANT FATAH HAJI HASHI's
MOTION TO EXCLUDE NEWLY DISCLOSED EXPERT TESTIMONY
AND TEST RESULTS

Comes Defendant Fatah Haji Hashi, through appointed counsel, and moves the Court to concerning expert testimony from Michael J. Spellman, M.D., and James Lewis, M.D. Discovery concerning these experts involve x-ray analysis to approximate the chronological age of JD2 was received late afternoon on April 8, 2012.

Background

On Easter Sunday, April 8, 2012, in late afternoon, undersigned counsel received several e-mails from Assistant U.S. Attorney Van Vincent advising of two *new* expert witnesses and reports related to an estimation of JD2's age. The expected expert testimony is based on a forensic analysis of x-rays of JD2's wrists and jaw.¹ There had been no previous disclosure or hint that Drs. Spellman and Lewis would be experts in this case.

Later on the afternoon of April 8, 2012, undersigned counsel received a phone call from Mr. Vincent concerning his e-mails. During the course of the conversation, Mr. Vincent offered to provide undersigned counsel a copy of a CD related to the anticipated expert testimony. At approximately 5:30 PM, Mr. Vincent arrived and delivered the CD and a paper copy of the report

¹ The reports reflect that the x-rays and analysis was conducted on April 7, 2012 and printed on April 7, 2012.